

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN W. EFFINGER, III,

Petitioner,

Case No. 1:08-cv-370

v.

HONORABLE PAUL L. MALONEY

KENNETH McKEE,

Respondent,

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation (Dkt. #6) filed by United States Magistrate Judge Ellen S. Carmody in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that the habeas corpus petition (Dkt. #1) is **DENIED** for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

This action is terminated.

Date: September 26, 2008

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District